

**HONORABLE M. JAMES LORENZ
UNITED STATES DISTRICT JUDGE
CRIMINAL PRETRIAL & TRIAL PROCEDURES**

Please note: The Court provides this information to counsel and parties for general guidance. Counsel must still strictly adhere to all Court Orders and the Court may vary these procedures as appropriate in any case.

COURT CALENDAR

Criminal Matters are generally heard on Mondays at 8:30 a.m. and 2:00 p.m. unless otherwise scheduled by the Court.

PRETRIAL MOTIONS

Magistrate Judges will schedule the motion hearing/trial setting on the Monday calendar four weeks from the initial appearance before the Magistrate Judge. All motions, except motions *in limine* and those pertaining to sentencing matters shall be filed at least **14 calendar days** before the hearing date. Opposition briefs shall be filed at least **7 calendar days** before the hearing date.

Applications for an Order Shortening Time are disfavored and must be supported by a non-conclusory affidavit signed by counsel setting forth facts establishing specific good cause.

Criminal motions requiring a predicate factual finding shall be supported by declaration(s). *See* Crim. LR 47.1(g)(1). The Court need not grant an evidentiary hearing where either party fails to properly support its motion or opposition.

DISPOSITION HEARINGS

Rule 11 guilty pleas may be entered before a Magistrate Judge unless the parties anticipate immediate sentencing. Counsel shall contact the courtroom deputy for the Magistrate Judge assigned to the case or the Duty Magistrate Judge to schedule the disposition. *See* Crim. LR 11.2.

On a related note, all guilty pleas to a lesser offense, superseding information, or less than all counts of the indictment must be entered **2 calendar days** prior to trial unless the Court has been advised. Failure to adhere to this requirement may result in the defendant (or his/her counsel) being assessed the costs of the jury.

EX PARTE REQUESTS

Counsel shall submit an accompanying declaration on **ALL** *ex parte* motions including motions for extraordinary relief. The motion and accompanying declaration must be non-conclusory and must plainly set forth (in detail) the specific reasons for the request.

PROPOSED ORDERS

Parties should submit all proposed orders to the Chamber's e-mail address in WordPerfect format to efile_lorenz@casd.uscourts.gov. Although not encouraged, the Court will accept proposed orders in Word format if necessary.

COURTESY COPIES

Unless otherwise ordered by the Court, parties **MUST** deliver a hard copy of the filing to the Clerk's Office or mail directly to the Chambers, within 24 hours after filing, any criminal case filing which **exceeds 20 pages** in length **including attachments and exhibits**.

In addition, where a party makes multiple filings in a case on the same day, and those filings cumulatively exceed 20 pages, a courtesy copy must be provided to the Court.

If the nature of the filing is such that the need for the Court's immediate attention is anticipated or desired, a courtesy copy **MUST** be delivered on the same day as the filing.

SENTENCING

Sentencing procedures are set forth in Criminal Local Rule 32.1. If the parties request, the Court may elect to proceed with immediate sentencing in immigration cases but only where the Court has sufficient information in the record to perform the meaningful exercise of sentencing authority.

A party seeking a continuance of a sentencing hearing must notify the Courtroom Deputy Clerk at the earliest possible time, but in no event later than **noon Friday** prior to the following week's sentencing date.

Counsel shall file a sentencing summary chart and/or sentencing memorandum **no later than five (5) days before** the sentencing hearing required in Criminal Local Rule 32.1 a. 9. Holidays are excluded when calculating time.

Late filings are unacceptable. All counsel are hereby advised that the filing dates set forth in Criminal Local Rule 32.1 are critical. Absent a showing of good cause, any late filings by counsel may result in a continuance, at minimum. Please be advised that the Court will keep track of such occurrences, and any counsel that repeatedly fails to abide by the timing requirements set forth in Rule 32.1 will be subject to **possible fine or other punitive action** by the Court.

TRIAL PROCEDURES

- A. Motions in limine : Motions are due **two weeks before** the hearing, with any opposition due **one week before** the hearing unless otherwise set by the Court.
- B. Trial Briefs: The parties may submit trial briefs no later than **five court days before** the date of trial concerning all significant disputed issues of law, including any and all foreseeable procedural and evidentiary issues with citation of relevant statutes, ordinances, rules, cases and other authorities. *See* Crim. LR 23.1.

- C. Voir Dire/Verdict Forms: Counsel may file proposed *voir dire* questions and verdict forms no later than **three court days before** the date of trial.

The Court will conduct the initial *voir dire*. On a case by case basis, the Court may permit follow-up *voir dire* conducted by the attorneys. If *voir dire* is permitted, ten minutes per side will generally be allowed on routine cases.

- D. Proposed Jury Instructions: The parties are encouraged to submit proposed jury instructions to the Court no later than the **first day of trial**, unless otherwise ordered by the Court. Supplemental instructions must be filed as soon as the need for the instruction becomes apparent.

The Court prefers to use the Model Jury Instructions for the Ninth Circuit whenever possible. However, the Court will accept other proposed jury instruction(s) as the need arises, but counsel must cite the authority supporting the proposed instruction(s). Any proposed instruction from statutory authority or the Ninth Circuit Model Instructions must state specifically the modification and the authority supporting the modification.

Before the case is submitted to the jury, the Court will provide each party with the jury instructions the Court intends to use. It is each party's responsibility to carefully review the instructions and make suggestions to the Court if modifications seem necessary.

- E. Presentation of Evidence: Please do not enter the well, except during *voir dire*, opening statements and closing argument. When addressing the jury, do not come any closer than the edge of the Court Reporter's desk. Conduct all examination of witnesses from the podium and please seek permission from the Court before approaching any witness. Also, please keep your visit to the witness stand brief. For example, quickly orient the witness with an exhibit and return to the podium.
- F. Objections: When objecting state only the legal ground for the objection, i.e., "objection, hearsay." Speaking objections are not permitted, unless the Court requests further information from counsel. When a party has more than one lawyer, only one lawyer may conduct the examination of a given witness and that lawyer alone may make objections concerning that witness.
- G. Exhibit Lists: Government counsel must provide a list of exhibits and give it to the Courtroom Deputy Clerk on the **first day of trial**. All exhibits must be pre-marked on the first day of trial. Exhibit stickers may be obtained from the Clerk of the Court or from the Courtroom Deputy Clerk, in advance of trial.
- I. Trial Schedule: In general, criminal trials are scheduled from 9:00 a.m. to 4:30 p.m., beginning on Tuesdays (civil trials may be more flexible). Jury deliberations proceed from 9:00 a.m. to 4:30 p.m. The Court will notify the parties of deviations from this schedule and when possible will attempt to accommodate jurors, witnesses and counsel, should conflicts arise.